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~~a first layer, closest to the individual, the first layer being an inner moisture transfer material;~~

~~a second layer, abutting the first layer, including a foam material;~~

~~a third layer, abutting the second layer, including a breathable membrane; and~~

~~a fourth layer, abutting the third layer, the fourth layer being an outer moisture transfer material treated by encapsulation for waterproofing.~~

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~~8. (Amended) A moisture transfer apparel to be worn by an individual comprising, on at least a portion of the apparel, a combination of layers comprising:~~

~~a first layer, closest to an individual, the first layer being an inner moisture transfer material;~~

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~~a second layer, abutting the first layer, including a foam material; and~~

~~a third layer, abutting the second layer, the third layer being an outer moisture transfer material treated by encapsulation for waterproofing,~~

~~wherein the second layer includes a non-woven material attached to the foam material such that it is between the foam material and the third layer.~~

20. (Amended) A moisture transfer apparel comprising on at least a portion of the apparel, a combination of layers comprising:

E3 a first layer, closest to an individual, the first layer being an inner moisture transfer material; and

a second layer, abutting the first layer, comprising an outer moisture transfer material that is treated with encapsulation for waterproofing.

E4 25. (Amended) A moisture transfer apparel according to claim 8, wherein the foam material is treated to have reversible enhanced thermal properties.

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29. (Amended) An apparel to be worn by an individual comprising:

E5 an outer fabric layer treated by encapsulation for waterproofing;

a foam layer abutting the outer fabric; and

a non-woven material attached to the foam layer such that the foam layer is located between the non-woven material and the outer fabric, wherein the foam layer is an open cell foam and is treated to have reversible enhanced thermal properties.

31. (Amended) An apparel to be worn by an individual comprising:

an inner moisture transfer material;

an open cell foam treated to have reversible enhanced thermal properties abutting the inner moisture transfer material;

a breathable membrane abutting the open cell foam;

and

95 an outer moisture transfer material abutting the breathable membrane, the outer moisture transfer material being treated by encapsulation for waterproofing.

32. (Amended) An apparel to be worn by an individual comprising:

an inner moisture transfer material;

an open cell foam treated to have reversible enhanced thermal properties abutting the inner moisture transfer material;

a breathable membrane abutting the open cell foam;

an outer moisture transfer material abutting the breathable membrane; and

wherein the outer moisture transfer material is an encapsulated cotton blend.

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34. (Amended) An apparel according to claim 31, wherein the outer moisture transfer material is one of a group consisting of denim and chino fabrics.

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36. (Amended) An apparel to be worn by an individual comprising:  
an outer moisture transfer material which is treated by encapsulation for waterproofing; and  
a cellular elastomeric composite which includes a hydrophilic open cell foam backed by a non-woven top sheet.

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38. (Amended) An apparel to be worn by an individual comprising:  
an outer moisture transfer material;  
a cellular elastomeric composite which includes a hydrophilic open cell foam backed by a non-woven top sheet;  
wherein the foam is treated to have reversible enhanced thermal properties; and  
wherein the outer moisture transfer material is an encapsulated cotton blend.

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40. (Amended) An apparel according to claim 36, wherein the outer moisture transfer material is one of a group consisting of denim and chino fabrics.

SWB/ FB/ 41. (Amended) An apparel to be worn by an individual comprising:

an outer fabric layer which is treated by encapsulation for waterproofing;

a foam layer abutting the outer fabric; and

a non-woven material attached to the foam layer such that the foam layer is located between the non-woven material and the outer fabric layer, wherein the foam layer is treated with microencapsulation technology which can adjust to temperature changes.

42. (Amended) An apparel according to claim 41, wherein the outer fabric layer is an encapsulated cotton blend.

SWB/ FB/ 44. (Amended) An apparel according to claim 41, wherein the outer fabric layer is one of a group consisting of denim and chino fabrics.

#### REMARKS

Claims 1, 8, 20, 25, 29, 31, 32, 34, 36, 38, 40-42 and 44 have been amended. Claims 5, 6, 11, 12, 33, 35, 39 and 43 have been canceled without prejudice or disclaimer. Accordingly, claims 1-4, 7-10, 13, 16, 20-32, 34, 36-38, 40-42 and 44 are currently pending in the application.